

REMARKS

Claims 1-17 are pending in the application. Applicants gratefully acknowledge Examiner's indication that claims 3, 8, 11, and 16 include allowable subject matter and would be allowable if rewritten as suggested in the Office Action. By the above amendment, claims 1 and 9 have been amended. The Examiner's reconsideration of the objections and rejections is respectfully requested in view of the above amendments and following remarks.

Claim Rejections - 35 U.S.C. §103

The following obviousness rejections are asserted in the Office Action:

- (i) Claims 1, 2, 7, 9-10, and 15 stand rejected as being unpatentable over U.S. Patent No. 6,697,849 to Carlson in view of U.S. Patent App. Pub. No. 2002/0087679 to Pulley.
- (ii) Claims 5 and 13 are rejected as being unpatentable over Carlson and Pulley in view of Lomet (US 5,806,065).
- (iii) Claims 6 and 14 stand rejected as being unpatentable over Carlson in view of Lomet and Pulley, and further in view of U.S. Patent No. 6,771,595 to Gilbert; and
- (iv) Claim 17 stands rejected as being unpatentable over Carlson and Pulley in view of Lomet.

Applicants respectfully submit that at the very minimum, claims 1 and 9 are patentable over the combination of Carlson and Pulley and that claim 17 is patentable over Carlson, Pulley and Lomet. Applicants respectfully disagree with the claim rejections on both legal and technical grounds. However, in the interest of cooperation, Applicants have amended claims 1 and 9 for the sole purpose of removing any ambiguities that may be the result of the seemingly improper characterization and misapplication of the teachings of the cited references against the subject matter of the claimed inventions, and to thus further clarify the clear differences of the claimed subject matters over the cited art of record.

Applicants maintain as before, that on a *fundamental level*, neither Carlson, Pulley, nor Lomet, singularly or in combination, teach or suggest systems and methods for processing access requests for target web sites of a web farm which maintains a plurality of different websites and which has a plurality of shared server resources for processing access requests, wherein servers assigned to different web sites can be used to process access request for a target web site which is deemed to be a “sharable” request, and wherein servers assigned to different web sites cannot be used to process access request for a target web site which is deemed to be a “unshareable” request. These concepts are not taught by any combination of the cited references. On a fundamental level, none of the cited references, Carlson, Pulley and Lomet are even related to methods for processing access requests to target websites in web farms that include a plurality of different websites.

For example, it is respectfully submitted that the Examiner’s reliance on the primary reference Carlson is misplaced for reasons previously asserted by Applicants in that, for example, Carlson discloses nothing more than a method of load balancing among a plurality of backend application servers for a given website. (see, e.g., FIG. 2A of Carlson and accompanying description). At the very least, the Examiner has not even demonstrated how Carlson discloses multiple websites. Unfortunately, the Examiner has failed to specifically refute these assertions and simply maintains on page 3 of the Office Action, that Carlson teaches a process of categorizing sharable and unshareable user requests in the context of shared server resources of a plurality of different websites in a web farm, while offering no supporting explanation other than mere citation to what are seemingly irrelevant passages of Carlson. Again, the “sticky requests” relied on by Examiner relates only to requests that are processed by a specific backend application server of a cluster of backend application servers for a given website, and are not analogous to the claimed “unsharable customer requests”.

Pulley also does not teach or suggest web farm traffic control in the context of the claimed inventions, e.g., claims 1, 9 or 17. The Examiner's reliance on paragraphs 79 on page 6 of Pulley is respectfully misplaced. Other than the mere mention of the word "web farm" and servers in the cited section, there is nothing in the cited section that is even remotely related to the claimed inventions and reliance thereto does not support an obviousness rejection in the given circumstance.

Similarly, Examiner's reliance on Lomet is even more misplaced, as the cited subject matter is even more remotely displaced out of context to the claimed inventions than Pulley and Carlson. Obviousness cannot be established by selective cherry picking of irrelevant subject matter from different unrelated patents for the sole purpose of meeting the claim limitations using hindsight reasoning to fit the claims to the cherry picked prior art subject matter, especially when there is no logical or reasonable relation or motivation for combining the cited prior art teachings to derive the claimed subject.

Claims 1, 9 and 17 are patentable over the cited combination of references and should be withdrawn. The remaining claims that are rejected and which depend from claims 1 and 9 are patentable over the cited combinations of references at the very least by virtue of their dependence from claims 1 or 9. Withdrawal of the obviousness rejections is requested.

Respectfully submitted,


Frank V. DeRosa
Reg. No. 43,584

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL.: (516) 692-8888
FAX: (516) 692-8889